



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 11 September 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 1-19, NCs 1-9

CONSIDERATION OF BILL

EDUCATION AND ADOPTION BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Kevin Brennan
Steve McCabe

NC1

★ To move the following Clause—

“Schools where pupils do not fulfil potential

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 59 (meaning of “maintained school” and “eligible for intervention”), in subsection (2), at the appropriate place insert—
“section 60B (Schools where pupils do not fulfil their potential)”

Education and Adoption Bill, *continued*

(3) After section 60A insert—

“60B Schools where pupils do not fulfil their potential

- (1) A school where pupils do not fulfil their potential is one where the performance of pupils in aggregate on leaving is not as high as might be expected from their performance on entry to the school.
- (2) A maintained school or an Academy school is by virtue of this section eligible for intervention if the governing body or proprietor of the school—
 - (a) have been notified that Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, in consultation with the local authority, considers the school to be one where pupils in aggregate do not fulfil their potential, and
 - (b) have not subsequently been notified that the Chief Inspector no longer considers the school to be one where pupils do not fulfil their potential.
- (3) In determining whether a school should be notified, the Chief Inspector will consider the following in consultation with the local authority and, in the case of an Academy school, the person with whom the Secretary of State has made Academy Arrangements—
 - (a) the availability of qualified teachers in the area of the local authority;
 - (b) the number of pupils on roll and the unreliability of drawing conclusions about aggregated pupil performance when the number of pupils is small;
 - (c) the age range of pupils in attendance at the school;
 - (d) the handling of data about pupils with special educational needs or a disability;
 - (e) information about the socio-economic characteristics of pupils on roll and the area in which the school is situated;
 - (f) the balance of boys and girls in the school.
- (4) If an Academy school is found to be eligible for intervention under this section, then the school is to be treated as a maintained school for the purposes sections 63 to 69, and the governing body is the proprietor of the Academy school. For the avoidance of doubt, an intervention under sections 63 to 69 takes precedence over any provision of the Academy arrangements made between the Secretary of State and the proprietor.
- (5) The Secretary of State must not make an Academy Order under section 4 (Academy orders) of the Academies Act 2010 for a maintained school which has been notified that it is a school where pupils do not fulfil their potential under this section.””

Member’s explanatory statement

This new clause updates the concept of coasting schools; it covers all publicly provided schools where pupils do not fulfil their potential and introduces a local professional assessment of factors that can only be assessed with local knowledge.

Education and Adoption Bill, *continued*

Kevin Brennan
Steve McCabe

NC2

★ To move the following Clause—

“Schools with an inadequate Ofsted judgement

- (1) Where, in a report of a school made under section 5 of the Education Act 2005, Her Majesty’s Chief Inspector of Education, Children’s Services and Skills states that in his or her opinion—
 - (a) special measures are required to be taken in relation to the school, or
 - (b) the school requires significant improvement
 the following actions will be taken.
- (2) The Regional Schools Commissioner must consult with the local authority, any trustees or persons representing foundations associated with the school and, in the case of an academy school, the person with whom the Secretary of State has made Academy arrangements, about the school’s governance arrangements.
- (3) If the school is a local authority maintained school, then the Regional Schools Commissioner may determine that section 5 (consultation about conversion) applies.
- (4) If the school is an Academy school, then the Regional Schools Commissioner may consult with the Secretary of State about whether or not to terminate the school’s academy arrangements with a view to the school being established as a local authority maintained school or by the Secretary of State making Academy arrangements with another person.
- (5) For the purpose of this Act, the Regional Schools Commissioner is an official appointed by the Secretary of State, except in the area of a combined authority, and if so requested by the combined authority or mayor, the Regional Schools Commissioner is a person appointed by the combined authority or mayor under arrangements made under Part 6 (Economic Prosperity Boards and Combined Authorities) of the Local Democracy, Economic Development and Construction Act 2009 as amended by the Cities and Local Government Devolution Act 2016.”

Member’s explanatory statement

Schools which receive an inadequate Ofsted judgement may require changes to their governance arrangements. The new clause addresses weaknesses in the Bill by inserting a new clause 7 which removes the assumption that there is only one form of governance suitable for such schools by requiring a local discussion about what is best for such a school and the area the school serves.

Kevin Brennan
Steve McCabe

NC3

★ To move the following Clause—

“Schools causing concern: involvement of parents

- (1) The Education and Inspections Act 2006 is amended as follows:
- (2) After section 59 insert—

“59A Duties of Secretary of State, local authorities, and proprietors to parents when a school is eligible for intervention

When a school is eligible for intervention, the Secretary of State, the local authority, school governing body and proprietor must exercise their

Education and Adoption Bill, *continued*

functions with a view to involving parents of registered pupils in decisions relating to the school under this Part and the Academies Act 2010.”

- (3) In section 59 (Meaning of “maintained school” and “eligible for intervention”)—
- (a) in subsection (1) after (c) insert—
 “() an Academy school”
- (b) after subsection (2) insert—
 “(3) In this Part, references to the governing body of an Academy school are to be read as references to the proprietor of an Academy school.
- (4) If an Academy school is found to be eligible for intervention under this Part, then the school is to be treated as a maintained school for the purposes sections 63 to 69, and the governing body is the proprietor of the Academy school. For the avoidance of doubt, an intervention under sections 63 to 69 takes precedence over any provision of the Academy arrangements made between the Secretary of State and the proprietor.”
- (4) In section 60 (Performance standards and safety warning notice) in subsection (6) at end insert—
 “(e) the parents of registered pupils”
- (5) In section 60A (Teachers’ pay and conditions warning notice) in subsection (6) at end insert—
 “(c) the parents of registered pupils”

Member’s explanatory statement

This new clause requires parents be involved in decisions about the future of their children’s schools.

Louise Haigh

NC4

- ★ To move the following Clause—

“Consultation with school community about identity of Academy sponsor

After section 5A of the Academies Act 2010 insert—

“Consultation with school community about identity of Academy sponsor

- (1) This section applies where an Academy order under section 4(1)(a) or (1)(b) has effect in respect of a maintained school.
- (2) Before entering into Academy arrangements in relation to the school the Secretary of State must consult the following about the identity of the person with whom the arrangements are to be entered into—
- (a) the school’s governing body;
- (b) the local authority;
- (c) the Chief Inspector of Education, Children’s Services and Schools;
- (d) parents of registered pupils at the school;

Education and Adoption Bill, *continued*

- (e) the teaching and other staff of the school, and
 - (f) any other such persons as he thinks appropriate.
- (3) As part of the consultation, the Secretary of State must publish all correspondence held by her relating to her choice of the proposed Academy sponsor.”

Member’s explanatory statement

The new clause would require consultation with a school’s community before a decision on the Secretary of State’s preferred choice of a school’s sponsor is made. This new clause also requires publication of full information about the reasons for the Secretary of State’s choice.

Louise Haigh

NC5

- ★ To move the following Clause—

“Inspection of Academy sponsors

Before section 9 of the Academies Act 2010, insert—

“8A Inspection of Academy sponsors

- (1) The Chief Inspector of Education, Children’s Services and Skills may inspect the proprietor of an Academy school in the performance of the proprietor’s functions under the Education Acts, the Academy agreement entered into by the proprietor, and any ancillary functions.
- (2) When requested to do so by the Secretary of State, the Chief Inspector must conduct an inspection under this section in relation to the proprietor specified in the request.
- (3) Such a request may specify particular matters which the Chief Inspector must inspect.
- (4) Ancillary functions shall include any function that may be carried on by a local authority.
- (5) Before entering into Academy arrangements in relation to a school to which an Academy order under section 4(1)(a) or (1)(b) has had effect with an Academy proprietor with whom the Secretary of State has existing Academy arrangements in relation to one or more other schools, he must receive a report from the Chief Inspector on the overall performance of the proprietor in performing their functions.”

Member’s explanatory statement

The new clause would make provision for the bodies which run Academy schools to be inspected. This new clause also requires Ofsted to report on the performance of an Academy chain before the Secretary of State uses his powers to make an Academy order.

 Education and Adoption Bill, *continued*

Ian Mearns
Pat Glass

NC6

- ★ To move the following Clause—

“Information on performance of academy proprietors

- (1) The Academies Act 2010 is amended as follows.
- (2) After section 11(1)(b) of the Academies Act 2010 insert—
 - “(c) the performance of Academy Proprietors and academy chains in regards to their management of academy schools, including the impact of this management on educational performance of such schools.””

Member’s explanatory statement

Section 11 of the Academies Act 2010 requires the Secretary of State to prepare and publish an annual report on academy arrangements and on the performance of academies. The new clause aims to require the report to cover the performance of academy proprietors and academy chains in regards to their management of academy schools.

Ian Mearns
Pat Glass

NC7

- ★ To move the following Clause—

“Performance of academy proprietors

- (1) When deciding whether to make an academy order in relation to a particular school, the Secretary of State shall have regard to any information on the proposed academy proprietor and, if applicable, the academy chain to which it belongs, which has been gathered—
 - (a) in order to prepare reports under subsection (1) of the Academies Act 2010, and
 - (b) in the course of any Ofsted inspection of any school run by the proposed Academy proprietor or of the academy chain to which it belongs.
- (2) The Secretary of State shall only appoint an academy proprietor for a new academy if the proprietor, and if applicable, the chain to which it belongs, has a proven record of success in improving schools which are comparable to the school to which the proposal relates.
- (3) The Secretary of State shall by regulations define “proven record of success”.

Member’s explanatory statement

The new clause would require the Secretary of State to have regard to the information about an academy proprietor and its relevant academy chain before appointing it as an academy proprietor for a new academy.

Ian Mearns
Pat Glass

NC8

- ★ To move the following Clause—

Education and Adoption Bill, *continued*

“Inspection of academy chains in England

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) After section 136 insert—

“136A Inspection of academy chains in England

- (1) The Chief Inspector may inspect the overall performance by an academy chain in England.
- (2) The Secretary of State may require the Chief Inspector to conduct an inspection in relation to a particular academy chain.
- (3) When requiring an inspection under subsection 2, the Secretary of State may specify matters which the Chief Inspector must inspect.
- (4) The Secretary of State may by regulations define an “academy chain”.
- (5) Regulations under subsection 4 may set out the activities of academy chains that may be subject to inspection under this section.”
- (3) In section 137(2)(a), after “authority”, insert “or academy chain”.
- (4) In section 137(3), after “authority”, insert “or academy chain”.
- (5) In section 137(4), after “authority”, insert “or academy chain”.
- (6) In section 137(5), after “authority”, insert “or academy chain”.

Member’s explanatory statement

This new clause would permit the Chief Inspector of Ofsted to inspect academy chains, and give the power to the Secretary of State to order such inspections. It would also entitle academy chains to receive the report following an inspection, and require them to prepare a written statement setting out the action they will take in light of the report.

Ian Mearns

NC9

- ★ To move the following Clause—

“Right of appeal against an academy order

After section 5 of the Academies Act 2010 insert—

“5A Right of appeal against an academy order

- (1) An academy order appeal committee shall be established to hear appeals against decisions of the Secretary of State to make an academy order in a particular case.
- (2) The following persons shall have the right to appeal to the academy order appeal committee:
 - (a) parents of children at the school, and
 - (b) staff of the school.

Education and Adoption Bill, *continued*

- (3) The Secretary of State shall by regulations define the powers and remit of the academy order appeal committee.”.”

Member's explanatory statement

This new clause would provide for a right of appeal against an academy order.

Kevin Brennan
Steve McCabe

1

- ★ Page 1, line 2, leave out Clause 1

Member's explanatory statement

Clause 1 to be replaced with new clause (Schools where people do not fulfil potential).

Ian Mearns

12

- ★ Page 1, line 1, leave out Clause 1

Member's explanatory statement

This amendment would remove the clause that establishes that “coasting” schools shall be eligible for intervention.

Kevin Brennan
Steve McCabe

8

- ★ Clause 1, page 1, line 16, at end insert—

“(3) The governing body must inform the parents of registered pupils that the school has been notified that it is coasting.”

Member's explanatory statement

The amendment extends the duty to inform parents to those whose children attend the new category of coasting school.

Ian Mearns

13

- ★ Clause 2, page 2, leave out line 42

Member's explanatory statement

This amendment would retain the right of a governing body of a school to make representations to the Chief Inspector at Ofsted in response to a warning notice, and the obligation of the Chief Inspector to consider such representations and give to the governing body and the local authority notice of his decision whether or not to confirm the warning notice.

Kevin Brennan
Steve McCabe

2

- ★ Page 6, line 2, leave out Clause 7

Member's explanatory statement

Clause 7 to be replaced with new clause (Schools with an inadequate Ofsted judgement).

Education and Adoption Bill, *continued*

Ian Mearns

14

- ★ Page 6, line 2, leave out Clause 7

Member's explanatory statement

This amendment would remove the duty on the Secretary of State to make an academy order where a school is eligible for intervention because it requires significant improvement or it requires special measures.

Mr Grahan Brady
 Kate Hoey
 Mrs Cheryl Gillan
 John Redwood
 Tim Loughton
 Mr Nigel Evans

Philip Davies
 Sir Roger Gale
 Mr Richard Bacon
 Kit Malthouse
 Bob Stewart
 Dr Philip Lee
 William Wragg
 Dr Julian Lewis
 Mr Nigel Dodds

Mr David Nuttall
 Sammy Wilson
 James Gray
 Karl McCartney
 Mr Philip Hollobone
 Sir David Amess
 Mr Dominic Grieve
 Geoffrey Clifton-Brown

James Cleverly
 Neil Parish
 Martin Vickers
 Mr Robert Syms
 Sir Edward Leigh
 Mr Bernard Jenkin
 Damian Green
 Mr Steve Baker

11

- ★ Clause 7, page 6, line 8, at end insert—

“(A2) If requested by a relevant—

- (a) local education authority, or
 (b) local admission forum,

The Secretary of State may include in such an order provision for the school to adopt selective admission arrangements such as would fall under section 104(2) and sections 105 to 109 of the School Standards and Framework Act 1998 (“SSFA 1998”).

(A3) Section 104(1) of SSFA 1998 is amended as follows—

For subsection (1), substitute “If requested by a local education authority or local admission forum, the Secretary of State may by order permit a school to adopt selective admission arrangements falling under subsection (2) and sections 105 to 109.”

Member's explanatory statement

This amendment would allow the Secretary of State to provide for new academies established under this part of the bill to have selective admissions arrangements but only in circumstances where a local education authority or local admissions forum had requested it.

Ian Mearns
 Pat Glass

15

- ★ Clause 8, page 6, line 16, after “consult”, insert “parents of children at the school, staff of the school and”

Member's explanatory statement

This amendment would ensure that parents and staff of the school are consulted before a school is converted into an academy.

 Education and Adoption Bill, *continued*

Ian Mearns

16

- ★ Clause 8, page 6, line 16, after “such”, insert “other”

Member’s explanatory statement

This amendment is consequential to amendment 15.

Kevin Brennan

Steve McCabe

9

- ★ Clause 8, page 6, leave out lines 18 and 19 and insert—

“(3) If an Academy order under section 4(A1) or (1)(b) has effect in respect of the school, the Secretary of State must convene a meeting of parents of registered pupils to explain the implications for the school being subject to such an order and take account of the views of parents in respect of the future governance of the school.”

Member’s explanatory statement

This amendment requires the Secretary of State to convene a meeting of parents where the Secretary of State determines, or is required to, force Academisation.

Kevin Brennan

Steve McCabe

3

- ★ Clause 8, page 6, line 19, leave out “4(A1) or”

Member’s explanatory statement

A consequential amendment to new clause (Schools with an inadequate Ofsted judgement).

Kevin Brennan

Steve McCabe

4

- ★ Page 6, line 26, leave out Clause 9

Member’s explanatory statement

A consequential amendment to new clause (Schools with an inadequate Ofsted judgement).

Kevin Brennan

Steve McCabe

10

- ★ Clause 9, page 6, line 39, at end insert—

“(d) the parents of registered pupils”

Member’s explanatory statement

This amendment requires the Secretary of State to consult parents on the identity of an Academy sponsor where forced Academisation is proposed.

Ian Mearns

17

- ★ Clause 9, page 6, line 39, at end insert—

“(d) the parents of children of the school,

Education and Adoption Bill, *continued*

(e) the staff of the school.”

Member’s explanatory statement

This amendment would require parents and school staff to be consulted about the identity of an academy sponsor prior to academy arrangements being entered into.

Ian Mearns

18

★ Page 7, line 16, leave out Clause 10

Member’s explanatory statement

This amendment would remove the clause that provides that where a school is the subject of an Academy Order, the governing body and its relevant local authority must facilitate the school’s conversion into an academy.

Kevin Brennan
Steve McCabe

5

★ Clause 10, page 7, line 20, leave out “4(A1) or”

Member’s explanatory statement

A consequential amendment to new clause (Schools with an inadequate Ofsted judgement).

Kevin Brennan
Steve McCabe

6

★ Clause 11, page 7, line 33, leave out “4(A1) or”

Member’s explanatory statement

A consequential amendment to new clause (Schools with an inadequate Ofsted judgement).

Kevin Brennan
Steve McCabe

7

★ Clause 12, page 8, line 5, leave out “4(A1) or”

Member’s explanatory statement

A consequential amendment to new clause (Schools with an inadequate Ofsted judgement).

Steve McCabe
Kevin Brennan

19

★ Clause 13, page 8, line 35, at end insert—

“(3A) The Secretary of State shall lay an annual report before Parliament on the use of the power to give directions under subsection (1), which shall include information on—

Education and Adoption Bill, *continued*

- (a) how often directions were given;
- (b) the safeguards put in place to ensure that voluntary agencies were not adversely affected by actions of local authorities or agencies complying with directions given and an assessment of the impact of the actions and the effectiveness of the safeguards;
- (c) the impact of the directions on models of care other than adoption for children in the areas covered by the directions; and
- (d) the extent and adequacy of provisions that have been put in place to ensure that post-adoption support, including in respect of mental health, is available for the children and adoptive parents who have dealt with a local authority or agency carrying out the functions within subsection (3) on behalf of a local authority, following directions from the Secretary of State.”

Member’s explanatory statement

This amendment would require the Secretary of State to lay an annual report before Parliament containing information about how she has exercised the power given to her in Clause 13 and the safeguards she has put in place to protect voluntary agencies, other models of care and the provision of post-adoption support.

ORDER OF THE HOUSE [22 JUNE 2015]

That the following provisions shall apply to the Education and Adoption Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 14 July 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
-